

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD SHAPIRO, P.C., et al.,

Plaintiffs,

-against-

SHREENATH LAXMAN, et al.,

Defendants.
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ORDER

CV 06-5865 (ADS) (ARL)

LINDSAY, Magistrate Judge:

Pending before this court is the plaintiff's request for a premotion conference with regard to a proposed motion for contempt and spoliation of evidence. See Scanlon letter, dated June 8, 2007. Defendants oppose the application by letter dated June 12, 2007. The basis for the proposed contempt motion is the defendants' alleged violation of this court's May 4th order concerning the production and inspection of their programs. On June 27th, a hearing was held during which compliance with the court's order of May 4th was extensively reviewed by the undersigned. Although the court concluded from this hearing that both sides have attempted in earnest to achieve compliance with the court's order, the plaintiffs may nonetheless, should they still desire to proceed, file a motion for contempt by no later than July 9, 2007. The defendants' response is due July 16th.

The plaintiffs further indicate that given the defendants' statement that they continually modify their computer systems that a motion based on spoliation of evidence is appropriate. Because the evidentiary hearing scheduled for September 5, 2007 will have bearing on this claim, the court and parties will be in a better position to assess the basis for such a motion after the conclusion of the hearing. Accordingly, the court will address the plaintiffs' application upon conclusion of the hearing scheduled for September 5, 2007.

Dated: Central Islip, New York
June 28, 2007

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge